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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,111	08/07/2001	Michael A. Gaul	A-7172	9737

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EXAMINER
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JONES III, CLYDE H

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/924,111	<b>Applicant(s)</b> GAUL ET AL.	
	<b>Examiner</b> Clyde H. Jones III	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,10-23,26,30-36,39,43-48 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10-23,26,30-36,39,43-48 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed in the 6/15/2006 Remarks on pages 10-22 with respect to claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, and 51 have been considered but are moot in view of the new ground(s) of rejection.

In regards to claims 1, 17 and 30, the applicant argues that Kamen does not teach or suggest identifying, determining, and changing

“an IPG channel listing characteristic where the channel listing characteristic is at least one of the following:

number of channels presented concurrently, identity of channels presented, or identity of an initially highlighted channel”.

The examiner respectfully disagrees for the reasons described below.

Kamen teaches identifying, determining and changing a characteristic (look of the EPG/IPG information displayed) that is the number of channels presented concurrently (identifying, determining and changing how many channels information is presented on the video screen at an instant; fig. 2 and 2A; col. 5, lines 9-24). Kamen teaches that the number of channels displayed in on the screen depends on what user selected EPG mode. For example, in fig. 2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another user selected mode e.g., “Sports Listings”, “NEWS Listings” modes, etc, similar to the mode selected in fig. 2 (not shown), which identifies a number of channels that are showing programs that fit the user selected category

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(Sports in fig. 2) at a specified time period (7 pm in this case). Furthermore it is inherent that identifying, determining and changing how many channels are displayed concurrently occurs when the number of channels with programming that match the user specified category changes as taught by Kamen, e.g., in fig. 2C' if the "NEWS" category is selected for time period starting at 9 pm the system logic will identify and determine only ABC and CBS (two) of the three channels displayed in fig. 2A or fig. 2.

Kamen further teaches identifying, determining and changing a characteristic (look of the EPG/IPG information displayed) that is the identity (the type of program identified and determined by the system's logic) of channels presented (Kamen teaches identifying, determining and changing presented channels of an identified type, e.g., changing from displaying "Sports" programs at 7 pm today-fig. 2 or "NEWS" listings at 9 pm [not shown]; col. 5, lines 11-20).

Kamen even further teaches and identifying, determining and changing a characteristic (look of the EPG/IPG information displayed) that is the identity of an initially highlighted channel (a channel displayed with prominent, e.g., bolded or bright colored text/fonts) (col. 7, lines 16-36 & 55-66; in which Kamen teaches it is desirable to identify, determine and change the programs initially highlighted on a screen in accordance with user entered display preferences, e.g., user selects to change highlighting to sports programs from NEWS programs on newly displayed EPG screens to make it easier to recognize desired sporting events).

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In regards to claims 6, 26, 39 and 51, the applicant argues that Kamen does not teach or suggest determining/identifying an IPG time listing characteristic where the time listing characteristic is at least one of the following:

number of time listings presented concurrently, coverage of a time listing, or identity of time listings presented.

The examiner respectfully disagrees for the reasons described below.

Kamen teaches identifying/determining an IPG time listing characteristic (look of the EPG/IPG information displayed) where the time listing characteristic is at least one of the following:

number of time listings presented concurrently (2A-2C; In which Kamen teaches determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in fig. 2A, three time listings are presented concurrently in figs. 2 & 2B, four time listings are presented concurrently in fig. 2C), coverage of a time listing (In fig. 2A and 2, Kamen teaches determining the category/topic [all program listings or "Sports Listings"] covered by an IPG time listing and determining the time period [7:00 PM to 8:00 PM or 7 PM only] covered by an IPG time listing), or identity of time listings presented (fig. 2C Kamen teaches identifying/determining how and what time listings are displayed, e.g., identified sports listing showing during a selected time ["today"] or identifying/determining the time span, i.e., length, of the MLB/bat listing so that it corresponds with the programs actual showing time – col. 8, lines 12-14).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 8, 10-14, 17-23, 26, 30-36, 39, 43-48, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamen et al. (US 6,421,067 B1).

Regarding claims 1, 17, 30, and 43 Kamen teaches the system and corresponding method for providing interactive media services comprising:

memory (304, 302 – fig. 6) for storing IPG (EPG) configuration data (software instructions) that is used to determine an IPG channel listing characteristic (look of the EPG/IPG information displayed) (col. 12, lines 19-25; col. 13, lines 26-27, 36-38; col. 14, lines 37-57) where the channel listing characteristic is at least one of the following: number of channels presented concurrently, identity of channels presented, or identity of an initially highlighted channel as described below.

Kamen teaches identifying, determining and changing a characteristic (look of the EPG/IPG information displayed) that is the number of channels presented concurrently (identifying, determining and changing how many channels information is presented on the video screen at an instant; fig. 2 and 2A; col. 5, lines 9-24). Kamen

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teaches that the number of channels displayed on the screen depends on the user selected EPG mode. For example, in fig. 2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the "Program Listings Today" mode. In another/changed user selected mode, e.g., "Sports Listings", "NEWS Listings" modes, etc, similar to the mode selected in fig. 2 (not shown), which identifies and determines a number of channels that are showing programs that fit the user selected category (Sports in fig. 2) at a specified time period (7 pm in the case of fig. 2). Furthermore it is inherent that identifying, determining and changing how many channels are displayed concurrently occurs when the number of channels with programming matching the user selected category changes as taught by Kamen, e.g., in fig. 2C' if the "NEWS" category is selected for time period starting at 9 pm the system logic will identify and determine only ABC and CBS (two) of the three channels displayed in fig. 2A or fig. 2.

Kamen further teaches identifying, determining and changing a characteristic (look of the EPG/IPG information displayed) that is the identity (the type of program identified and determined by the system's logic) of channels presented (Kamen teaches identifying, determining and changing presented channels of an identified type, e.g., the user changing the IPG from displaying "Sports" programs at 7 pm today-fig. 2 to "NEWS" listings at 9 pm [not shown]; col. 5, lines 11-20).

Kamen even further teaches identifying, determining and changing a characteristic (look of the EPG/IPG information displayed) that is the identity of an initially highlighted channel (a channel displayed with prominent, e.g., bolded or bright

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colored text/fonts) (col. 7, lines 16-36 & 55-66; in which Kamen teaches it is desirable to identify, determine and change the programs initially highlighted on a screen in accordance with user entered display preferences, e.g., user selects to change highlighting to sports programs from NEWS programs on newly displayed EPG screens to make it easier to recognize desired sporting events).

Kamen even further teaches logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (as described above and in col. 14, lines 50-52; col. 5, lines 18-20; col. 7, lines 24-27; col. 7, lines 56-60; col. 13, lines 25-51).

Regarding claim 2, Kamen teaches the memory is non-volatile memory (col. 12, lines 19-22).

Regarding claims 3, 19-21, 32-34, 45, and 46, Kamen teaches an IPG screen that is configured in accordance with the first user input (menu/option input; col. 13, lines 33-46) is presented to a user in response to receiving a second user input (command to display the EPG while normally watching TV, i.e., video only; col. 8, lines 26-31).

Regarding claims 6, 26, 39 and 51, Kamen teaches the system and corresponding method for providing interactive media services comprising:



memory (304, 302 – fig. 6) for storing IPG (EPG) configuration data (software instructions) that is used to determine an IPG time listing characteristic (look of the EPG/IPG information displayed) (Kamen teaches the IPG software/instructions determine/compute how and what IPG time listing information is displayed; col. 8, lines 4-11 & fig. 2A, 2, & 2C; col. 12, lines 19-25; col. 13, lines 42-51) where the time listing characteristic is at least one of the following:

number of time listings presented concurrently (2A-2C; In which Kamen teaches determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in fig. 2A, three time listings are presented concurrently in figs. 2 & 2B, four time listings are presented concurrently in fig. 2C), coverage of a time listing (In fig. 2A and 2, Kamen teaches determining the category/topic [all program listings or “Sports Listings”] covered by an IPG time listing and determining the time period [7:00 PM to 8:00 PM or 7 PM only] covered by an IPG time listing), or identity of time listings presented (fig. 2C Kamen teaches identifying/determining how and what time listings are displayed, e.g., identified sports listing showing during a selected time [“today”] or identifying/determining the time span, i.e., length, of the MLB/bat listing so that it corresponds with the programs actual showing time – col. 8, lines 12-14); and

Kamen even further teaches logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (Kamen teaches a first user input/request to modify the EPG presentation

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mode to one of the modes discussed above; col. 14, lines 50-52; col. 5, lines 18-20; col. 7, lines 24-27; col. 7, lines 56-60; col. 13, lines 25-51).

Regarding claims 10, 22, 35, and 47, Kamen teaches an IPG screen that is configured in accordance with the first user input is presented to a user via a display device (col. 13, lines 33-37; col. 14, lines 28-33).

Regarding claims 11, 23, 36, and 48, Kamen teaches the display device is a television (col. 15, line 23).

Regarding claims 12, 18, 31, and 44, Kamen teaches the first user input is provided via a remote control device (150 – fig. 2& 6; col. 5, lines 19-21; col. 8, lines 26-31; col. 12, lines 40-42).

Regarding claim 13, Kamen teaches the system is a client device (client to the B-caster and Internet servers; col. 14, lines 39-42; col. 6, lines 24-30; col. 14, lines 57-64).

Regarding claim 14, Kamen teaches the client device is a digital home communication terminal (DHCT) (PCTV; col. 4, lines 60-63).

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen et al. (US 6,421,067 B1) in view of Lemmons et al. (US 6,442,775 B1).

Regarding claims 15 and 16, Kamen discloses the EPG is a shell for access to additional applications by connecting to a server (col. 14, lines 57-64).

Kamen fails to disclose the system is a server device and located at a headend.

In an analogous art Lemmons teaches an EPG server system located at a headend (television distribution facility 16 – fig. 1) for generating EPG display screens (col. 5, lines 34-36 & 47-50).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Kamen to include the system is a server device and located at a headend as taught by Lemmons for the added advantage of decreasing the processing load of the receiving device.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

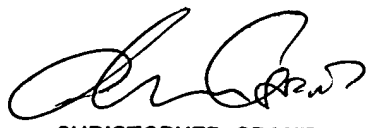
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ



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